

REMARKS

Claims 12, 19-29, 31, and 33-40 are pending in the application.

Drawings

The examiner objects to the drawings because in his opinion it appears that "5" should read "5' ". The examiner does not point out which drawing figures he means. In the original drawings only Fig. 1 shows reference numeral 5. Fig. 5 shows a different supporting disk that is therefore referenced by "5' ". Newly submitted drawings Figs. 1a and 1b show the same type of configuration for the basic seat as Fig. 1 and therefore reference numeral 5 is used also in Figs. 1a and 1b as the part identified by "5" is identical. A sentence to that effect has been added in the last paragraph (page 28) of the specification.

It is therefore respectfully submitted that changes to the drawings do not appear to be necessary. Reconsideration and withdrawal of the objection to the drawings are therefore requested.

Specification

The disclosure is objected to because the Figures 1a and 1b are not adequately described. The last paragraph of the specification has been supplemented so as to provide a proper description of the drawings. Note that the specification provides support for the configuration as shown in Figs. 1a and 1b in the paragraph bridging pages 16 and 17 as well in the last paragraph of page 28.

Reconsideration and withdrawal of the objection to the specification are respectfully requested.

Claim Rejections - 35 U.S.C. 112

Claim 29 stands rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite. The examiner objects to the term "spring type lock" as type is indefinite. The term "spring type" has been deleted.

Reconsideration and withdrawal of the rejection of the claim pursuant to 35 USC 112 are therefore respectfully requested.

Rejection under 35 U.S.C. 103

Claims 12, 34, 39 stand rejected under 35 U.S.C. 103(a) as being unpatentable

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over GB 2171610A.

Instant claim 12 defines a seating device comprising:

- a) a base;
- b) means for supporting an upper body of a person, wherein said means for supporting is connected to said base;
- c) driving means connected to said base;
- d) a seating surface connected to said driving means;
- e) said driving means driving said seating surface so that at least one point of said seating surface is forced to perform a periodic, continuous and cyclical movement in at least two directions of motion, wherein said periodic, continuous and cyclical movement comprises a first period of motion and a second period of motion, wherein a number of said first period of motion is larger than a number of said second period of motion;
- f) wherein said seating surface is not connected to said means for supporting and moves independently of said means for supporting and independently of said base.

The examiner states that the cited prior art reference discloses a seat 60 with a base and means for supporting the upper body connected to the base. The examiner refers to the elements 63, 64 as driving means that are indirectly connected to the base via the seating surface that is connected to the driving means. The examiner also states that the driving means perform a periodic, continuous cyclical movement in at least two directions of motion and that the seating surface is not directly connected to the means for supporting.

The seat 60 is illustrated in Fig. 11. The seat 60 is a rocking chair having a sitting surface and a backrest as well as arm rests. Clearly, the back rest as well as the arm rests are attached to the sitting surface, and all these parts form a rigid and fixed unit. When the chair performs a rocking motion, the sitting surface, the back rest, and the arm rests as well as the base (arcuate rockers and the legs connecting the arcuate rockers to the sitting surface) will move together. No movement is possible between the sitting surface and the backrest as an upper body support or the sitting surface and the arm rests as an upper body support or the sitting surface and the base (arcuate rockers and legs attached to the seating surface). Therefore, feature f) is not disclosed or suggested by the prior art

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reference.

The operation of the rocking chair of Fig. 11 is illustrated in Figs. 5a-5c; see lines 109-114 of page 5 making reference to the direction control lever of Fig. 5 being used in rocking chair 60 and identifying the elements 63 and 64 as direction control levers. Fig. 5 shows direction control lever 30 (equivalent of levers 63, 64) in a forwardly pushed position (Fig. 5a) allowing a propelling movement of the rocking chair in the forward direction and in a rearwardly pushed position (Fig. 5b) allowing a propelling movement of the rocking chair to the rear. Fig. 5c shows a position where the elongate member 34 is in "neutral", i.e., in a position where it does not contact the ground and the rocking motion of the chair will not cause a propelling action. The direction control levers 63, 64 provide no drive action for the sitting surface; they simply move the elongate member 34 connected to the sitting surface into a forward or rearward position or into a neutral position. This movement of the levers 63, 64 has no effect on the sitting surface. The movement of the levers simply causes the element 34 to be moved. Element 34 is not a sitting surface; it is an element that enables in combination with the arcuate rockers the forward or rearward movement of the rocking chair by contacting the ground. The levers 63, 64 act like a gearshift for selecting forward or rearward movement but do not act on the sitting surface.

The rocking chair has no driving means connected to the seating surface that drives the seating surface so that at least one point of the seating surface is forced to perform a periodic, continuous and cyclical movement in at least two directions of motion. Only when a person rocks the rocking chair back and forth, can the chair perform a movement but, as mentioned above, the rocking chair can move only as a complete unit - the sitting surface is not moved independent of the back rest or the arm rest or the legs or arcuate rockers (base).

Claim 12 as amended is therefore believed to be allowable.

The examiner has cited *US 6,626,494 (Yoo et al.)* as being of interest. Please note that this reference has a filing date of September 19, 2001; the instant application has a filing date of April 19, 2001, and claims a priority date of October 19, 1998. The cited US patent is therefore clearly not relevant.

ALLOWABLE SUBJECT MATTER

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Claims 19-28, 31, 33, 35-38, 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 12 is believed to be allowable over the cited prior art for the reasons presented above without requiring any limitation of any of the allowable dependent claims.

Claim 29 would be allowable if rewritten to overcome the rejection under 35 USC 112. Claim 29 has been amended to remove the term "spring type" to which the examiner objected. Claim 29 should thus be in allowable form.


CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on December 7, 2004,


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